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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,109	01/14/2004	Steven B. Dunn	MBI-1164	2938
7590 06/25/2009 KNOBLE YOSHIDA & DUNLEAVY, LLC Suite 1350 Eight Penn Center 1628 John F. Kennedy Blvd. Philadelphia, PA 19103				
EXAMINER ABBOTT, YVONNE REINIE				
ART UNIT 3644		PAPER NUMBER		
MAIL DATE 06/25/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:*  
STEVEN B. DUNN, BRYCE FUJII, and KEVIN CLARK

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Application 10/757,109  
Technology Center 3600

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Mailed: June 25, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

NON-FINAL REJECTION, EXAMINER'S ANSWER

On March 9, 2006 a Non-Final Rejection was mailed. The Office Action Summary page of the rejection states that claims 1-13, 18-21, 23-32, 35-39 and 47-69 are rejected. However, claims 32 and 66 were not discussed in the grounds of rejection. Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to enter a paper clarifying the disposition of claims 32 and 66 (if claims are allowable); or
- 2) to vacate the Examiner's Answer mailed December 12, 2007;
- 3) to generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;
- 4) to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/cdc

Application 10/757,109

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